

ARKANSAS SUPREME COURT

No. CR 08-1203

ZANE FAIR
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered December 11, 2008

PRO SE PETITION FOR WRIT OF
CERTIORARI [CIRCUIT COURT OF
INDEPENDENCE COUNTY, CR 2007-
214]

PETITION DENIED.

PER CURIAM

A jury found appellant Zane Fair guilty of two counts of criminal trespass and one count of terroristic threatening and imposed sentences of thirty days' imprisonment on the trespass charges and twelve months' imprisonment on the terroristic threatening charge, with each of the sentences to run consecutively to the other sentences, for an aggregate sentence of one year and sixty days' imprisonment. A judgment was entered in Independence County Circuit Court on May 21, 2008, and on June 12, 2008, appellant filed a notice of appeal in the circuit court. Appellant filed a partial record in this court on September 2, 2008, and now seeks a writ of certiorari to bring up the transcribed portion of the proceedings in order to complete the record.

The notice of appeal does not include a certification that any financial arrangements required by the court reporter under Arkansas Code Annotated § 16-13-510(c) (Repl. 1999) had been made for obtaining the transcript, an affidavit indicating a reason for failing to so certify, or a petition to proceed as a pauper, as required by Arkansas Rule of Appellate Procedure—Criminal 2. While that defect is not sufficient to render the notice of appeal invalid, we are not able to determine whether

arrangements are in place to pay for the costs of the transcript. *See Helton v. Jacobs*, 346 Ark. 344, 57 S.W.3d 180 (2001). In fact, the partial record includes a certification from the court reporter indicating that as of August 21, 2008, arrangements had not been made to pay for the costs. We must therefore decline to issue the writ. We do so without prejudice, however, to the extent that appellant may resubmit his request, along with appropriate verification that arrangements have been made to pay the costs of the transcript, within thirty days of the date of this opinion.

Petition denied.